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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,460	12/17/2003	Christopher L. Oesterling	GP-304229 (2760/148)	9581
7590 05/15/2007 General Motors Corporation Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000			EXAMINER SHAH, PARAS D	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/738,460

Applicant(s)

OESTERLING ET AL.

Examiner

Paras Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/17/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the Application filed on 12/17/2003.

Claim Objections

2. Claim 1 is objected to because of the following informalities: "the speech input" in line 4, should be "the speech input". Appropriate correction is required.
3. Claim 7 is objected to because of the following informalities: "the speech input" in line 5, should be "the speech input". Appropriate correction is required.
4. Claim 7 is objected to because of the following informalities: "the speech input" in line 4, should be "the speech input". Appropriate correction is required.
5. Claims 2-6, 8-12, and 14-18 are objected to as being dependent upon an objected to base claim.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6, 12, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what the Applicant is claiming. For the purposes of compact prosecution, the claim was interpreted to mean directing the device function based of the vehicle based on the processed speech input.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 7-12 are directed toward non-statutory subject matter.

The term "computer usable medium" is not fully explained in the Applicant's specification. Hence, the term computer usable medium has also been interpreted to include signals and carrier waves, which are non-statutory. See MPEP 2106.01 [R-5].

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 5.-8, 11-14, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Brems (US 6,505,161).

As to claims 1, 7, and 13, Brems discloses a method for enabling a device function of a vehicle, the method comprising: receiving a speech input stream (see col. 8, lines 4-5) at a telematics unit (see col. 7, lines 66-68-col. 8, lines 1-2); determining a speech input context for the received speech input stream (see Figure 7) (e.g. In this

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figure the process for recognizing and performing the command is shown. The applicant regards the context as identifying the speech command or input (see Applicant's Specification, page 10, lines 8-9)); processing the received speech input stream based on the determination (see col. 13, lines 57-65) (e.g. The speech recognition unit recognizes the voice message and processes the message since the dialing of a number was determined); and enabling the device function of the vehicle responsive to the processed speech input stream (see col. 13, lines 66-67) (e.g. It is implied that the calling device is enabled in order to execute the command and perform out dialing). As to claim 7, the reference indicates the implementation in a computer (see col. 14, lines 9-15).

As to claims 2, 8, and 14, Brems discloses wherein determining a speech input context for the received speech input stream comprises: monitoring the speech input stream at a context recognizer (see col. 4, lines 57-61), the context recognizer comprising a context verbiage (see col. 3, lines 48-65)(e.g. It is seen in the Brems reference that the user's spoken voice message is recognized depending on the context, in this case phone number); comparing the speech input stream to the context verbiage (see col. 13, lines 57-63) (e.g. The message is compared by the use of speech models and parameters); and selecting one of a plurality of domain specific actuators (see col. 4, lines 64-67-col. 5, lines 1-3 and col. 12, lines 54-58, lines 66-67-col. 13, lines 1-5) based on the determined speech input context (see col. 2, lines 63-66) (e.g. The Brems reference states the use of codes to determine the device type in order to format and decode the speech input by the user. The Applicant refers to the domain

specific actuators as a set of rules for formatting the speech input for compatibility with the vehicle device (see Applicant's Specification, page 10, lines 15-18), which is assigned to each device in the vehicle).

As to claims 5, 11, and 17, Brems discloses wherein the enabling device function of the vehicle comprises: writing the processed speech input stream in an activation cache (see col. 6, lines 55-67 and see col. 11, lines 14-15) (e.g. This feature is implied and is stored in memory in order to supply the voice message to the service module); activating a vehicle device corresponding to the device function of the vehicle (see col. 13, lines 60-67 and see col. 10, lines 14-19) (e.g. It is implied by the Brems reference that the activation of the device function is done in order to allow the outdialing and receiving.); and supplying the processed speech input stream from the activation cache to the vehicle device (see col. 13, lines 60-67 and see col. 10, lines 14-19) (e.g. It is implied that the processed speech is supplied to the vehicle device in order to outdial the stated number as well as receive the incoming transmission.)

As to claims 6, 12, and 18, Brems discloses the directing of a vehicle device in control of the enabled device function of the vehicle based on the processed speech input stream (see col. (see col. 13, lines 60-67 and see col. 10, lines 14-19) (e.g. It is implied by the reference that the vehicle device is directed to perform the function based on the input message. In the Brems reference, outdialing of the call is performed based upon the number and the outdialing is performed by the cellular telephone described by the reference to be a telematic unit (see col. 8, lines 1-2).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 4, 9, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brems as applied to claim 1 above, in view of Deisher *et al.* (US 2004/0002866).

As to claims 3, 9, and 15, Brems discloses the formatting of the received speech based on device type (see col. 4, lines 64-67-col. 5, lines 1-3 and col. 12, lines 54-58, lines 66-67-col. 13, lines 1-5). However, Brems does not specifically disclose the accessing of a set of rules for formatting speech. Deisher *et al.* discloses the accessing of the set of rules and for the device for formatting the speech input. (see page 2, [0027] and [0028]) (e.g. It is seen by the Deisher *et al.* that each device is expected to have different capabilities and communication as to these specific formats is done. Further, it is implied by the communication of these formats that there are a set of rules and structures associated with each type of device. The Deisher *et al.* reference refers to vehicle devices (see page 1, [0019] and [0045]). It would have been obvious to one of ordinary skilled in the art to have combined the teachings of Brems with the accessing of the rules and structures of the specific device type. The motivation to have combined the two references involve enabling communication between different device types,

which have different formats (see page 3, [0027]), which would benefit the system presented by Brems for the various devices that can communicate.

As to claims 4, 10, and 16 Brems discloses the use of a database where the formatting and device codes are kept (see col. 4, lines 62-67-col. 5, lines 1-3 and col. 12, lines 54-58, lines 66-67-col. 13, lines 1-5) (e.g. From the Applicant's definition of a domain specific actuator, it was interpreted to be a database containing the various rules and structures for the specific device).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Junqua (US 6,597,018) and Rigo *et al.* (US 2002/0049535) are cited to teach the processing of a spoken request from a user to control an automobile device. McCarthy *et al.* (US 6,693,517) is cited to disclose a vehicle-mirror based system for communication. Gilbert *et al.* (US 6,732,077) is cited to disclose a speech recognition adapted receive operating commands from a user. Odinak (US 2005/0065779) is cited to disclose telematics with features such as speech recognition, communication, navigational assistance, and services.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-FRI. 7:30a.m.-5:00p.m. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.
5/10/2007



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SUPERVISORY PATENT EXAMINER